

1 THE COURT: Excuse me. You had asked about making a  
2 Rule 50 motion.

3 MR. ROBERTSON: Yes, Your Honor.

4 THE COURT: But there's some problem with the  
5 inventor because he can't make it until the parties have been  
6 fully heard on the issue, and he won't be fully heard on the  
7 issue until the inventors testify, and somebody is sick or  
8 something? Is that what it is?

9 MR. McDONALD: The inventors, we tried to get them by  
10 today. I think one of them had a death in the family, but the  
11 other two, we're not sure what the reasons were, but the bottom  
12 line is the first day we can get to them is next Tuesday.

13 THE COURT: Okay. Well, we'll do it Tuesday.

14 MR. ROBERTSON: Your Honor, I might just point out  
15 that the inventors testified in the infringement part of the  
16 case, and they cross-examined in the infringement part of the  
17 case. I thought they were coming back on invalidity issues.

18 THE COURT: They were coming back in his case for any  
19 purpose he needed them back, if I remember.

20 MR. McDONALD: That's right, because I was limited in  
21 the scope I could go into by Mr. Robertson.

22 THE COURT: By his direct, and there were things you  
23 wanted to go into on infringement that he didn't cover, and I  
24 circumscribed your examination so it would be sequential. I  
25 think that's where we are.

1 MR. ROBERTSON: Okay, Your Honor. I understand.  
2 Thank you.

3  
4 (Jury in.)

5  
6 THE COURT: All right, Mr. McDonald, redirect,  
7 please.

8 MR. McDONALD: Thank you, Your Honor.

9  
10 REDIRECT EXAMINATION

11 BY MR. McDONALD:

12 Q Dr. Shamos, I'd like to first turn to the work that you  
13 did to prepare your opinions in this case. Do you have your  
14 expert report on non-infringement still at your fingertips  
15 there?

16 A Yes.

17 Q Could you turn to page 76, please.

18 A Yes.

19 Q What is exhibit -- or what is the exhibit there that  
20 begins at page 76?

21 A It's an exhaustive list of the materials that I considered  
22 in preparing the report.

23 Q About how many pages does that list go on?

24 A It's nine pages, about 50 lines per page.

25 Q Generally, can you tell me what the lines represent?

1 THE COURT: What?

2 MR. McDONALD: What do the lines represent, lines of  
3 what?

4 A Each line is an item or document that I considered.

5 Q And is the first part of the listing deposition  
6 transcripts?

7 A Yes.

8 Q Did you review deposition transcripts of Mr.  
9 Christopherson who is in the courtroom today as part of your  
10 analysis for this case?

11 A Yes.

12 Q How many days of depositions of Mr. Christopherson did you  
13 review?

14 A Two.

15 Q Did you also review the exhibits from his deposition?

16 A Yes.

17 Q Did you -- about how many depositions did you review in  
18 connection with your work?

19 A About 20.

20 Q I'd like to turn now to the exhibit, Plaintiff's 521, that  
21 you were asked about. Could we put that up. Turn to page nine  
22 of that document. I think the last three digits are 428. Do  
23 you remember being asked about this flow chart, Dr. Shamos,  
24 called vendor agreement import?

25 A Yes.

1 Q Now, what is your understanding as to what the top box on  
2 that page under the word agreement represents?

3 MR. ROBERTSON: Objection, lacks foundation.

4 MR. McDONALD: He was asked about this exact flow  
5 chart, Your Honor.

6 MR. ROBERTSON: He hasn't establish he's seen the  
7 document before.

8 THE COURT: I think since you showed it to him and he  
9 was asked about it, they can ask him questions related to what  
10 you asked. You may not be able to ask him anything else, but  
11 he can ask related to what you asked, I think. Overruled. All  
12 right, go ahead.

13 Q Dr. Shamos, what is your understanding as to what that top  
14 box represents under the word agreement on this page of Exhibit  
15 Plaintiff's 521?

16 A It's a step in which a vendor provides an electronic file  
17 that has as information about items in CSV format.

18 Q Is that consistent with your understanding as to the first  
19 step in the process of importing vendor data for the item  
20 master?

21 A It's a way of importing data.

22 Q What are the other -- what is your understanding as to  
23 what the other boxes on this page represent?

24 A Remaining steps in that process.

25 Q Process to go from what to what?

1 A To make use of the electronic file that's provided in CSV  
2 format.

3 Q Do you see there in the third box down, it says, phase  
4 two?

5 A Yes.

6 Q Under that it says, mark or unmark a subset of vendor  
7 items for inclusion on vendor agreement; do you see that?

8 A Yes.

9 Q Do you have an understanding as to what that means?

10 A Yes.

11 Q What is your understanding?

12 A The input files consist of a number of individual items.  
13 In phase two, a person who is doing the importing gets to  
14 choose either starting out by selecting all of them and then  
15 deselecting, which would be unmark, or starting out with none  
16 of them selected and then selecting certain ones of them which  
17 would be by marking, essentially by checking a check box or in  
18 some other way indicating I would like this item to actually be  
19 imported into my database.

20 Q What is your understanding as to what happens after that  
21 step before the information is loaded into the item master?

22 A There's a check -- there's a diamond shape box that says  
23 new item, and there determination is made as to whether this is  
24 information about an item that already exists in the database  
25 or it doesn't exist in the database.

1           If it doesn't exist in the database, then it's a new item,  
2   and if it already exists in the database, then we follow the  
3   no, the no line that goes out to the left, and it just says  
4   input marked vendor items for inclusion on vendor agreement.

5   Q     Then at the very bottom middle there, there's something  
6   that looks a little bit like a cylinder, I guess; do you see  
7   that bottom middle?

8   A     Yes. That's supposed to represent the database.

9   Q     That's the item master database?

10   A     Yes.

11   Q     Thank you. You recall you were also asked about the list  
12   of fields beginning at page 12 of this document with the last  
13   three numbers 431?

14   A     Yes.

15   Q     Let me ask you about a couple of fields on this one. The  
16   field number six, do you see that?

17   A     Yes.

18   Q     What field is that?

19   A     It's called Lawson item number.

20   Q     Is that something that you understand is something that's  
21   provided by a vendor?

22   A     It normally wouldn't be. The vendor wouldn't have a way  
23   of knowing what item number Lawson wants to assign to an item.

24   Q     If we look at the 15th, number 15 on this page, do you see  
25   that one called generic name?

1 A Yes.

2 Q What is your understanding as to what that field  
3 description on the far right where it says client-defined  
4 generic name for grouping items, what does that mean?

5 A I think that says it all, that the client can use special  
6 vocabulary or terminology that's familiar to him and his  
7 employees and assign that to a particular item, but the  
8 keywords there are client-defined which indicates it's not  
9 coming from a vendor.

10 Q So if we go two pages further into this document, 433, is  
11 this a continuation of that same list of fields?

12 A Yes.

13 Q And if we look at the fields on this page on the far  
14 right, far right column, can we blow up that column. It looks  
15 like the first couple of columns have to do with that UNSPSC  
16 classification; correct?

17 A UNSPSC, yes.

18 Q And it looks like the following several fields all  
19 describe what the phrase, quote, client defined, quote; do you  
20 see that?

21 A Yes.

22 Q Do you have an understanding of who the client is in that  
23 phrase, in those field descriptions?

24 A It's the user of the system, the party that has licensed  
25 the software.

1 Q The Lawson customer?

2 A Yes.

3 Q Thank you. I'd like to turn now to Plaintiff's Exhibit 11  
4 about the UNSPSC codes. Let's put up the first page. Do you  
5 remember you were asked about this document by Mr. Robertson?

6 A Yes.

7 Q Can we turn to page number eight of this document. The  
8 last four digits would be -- actually let's go one page before,  
9 the last four digits, 7038. Could you blow up the bottom  
10 paragraph on this page, please, so we can read that. This is  
11 in that white paper about the UNSPSC code; right, Dr. Shamos?

12 A Yes.

13 Q Okay. Here, is this a section of the white paper that  
14 answers a question about the use of those codes?

15 A Yes.

16 Q The first line there says, makes all products commodities,  
17 and it's a question; correct?

18 A Yes.

19 Q And isn't this document indicating that, in fact, just  
20 because you use the UNSPSC code, that doesn't make your product  
21 equivalent to other products?

22 MR. ROBERTSON: Objection; leading.

23 THE COURT: That is -- let the Doctor testify, Mr.  
24 McDonald. Sustained.

25 MR. McDONALD: I'll rephrase that.



1 Q Is it fair, Dr. Shamos, to equate the UNSPSC coding  
2 system --

3 THE COURT: What do you think that language means is  
4 probably the better question.

5 Q Well --

6 THE COURT: He's getting ready to get an objection.  
7 He was halfway on his feet.

8 Q Do you see the sentence there about five lines down, Dr.  
9 Shamos, where it says, quote, a common name for a given kind of  
10 product is the equivalent of organizing merchandise in a  
11 supermarket. All the cereal is in one section, produce  
12 another, beauty supplies in yet another. A common naming  
13 convention is the future of shelf space. It is the virtual  
14 shelf space of electronic commerce.

15 I'm stop there. Feel free to read the rest of the  
16 paragraph, but do you have an understanding as to what's being  
17 communicated there about UNSPSC codes?

18 A Yes. I think what's going on here is this list of  
19 questions, this is for people who would be considering the use  
20 of UNSPSC codes, and they would be wondering about certain  
21 things. The beginning of this paragraph talks about the  
22 problem that if I assign my product the same code that my  
23 competitor's product is assigned, then it kind of mashes them  
24 together and makes them look like they are the same, and  
25 vendors usually want to differentiate their products from those

1 of competitors.

2 So this is an explanation of why this is just a starting  
3 point to enable people to locate relevant information, and it's  
4 not an attempt to say that two things with the same code are  
5 equivalent products.

6 MR. ROBERTSON: Your Honor, I move to strike as  
7 speculation as to what this document was intended to convey.

8 MR. McDONALD: Your Honor, he laid the foundation on  
9 his cross about this document, and this witness actually  
10 reviewed this to develop his understanding of the UNSPSC code.

11 THE COURT: Overruled.

12 Q So, Dr. Shamos --

13 THE COURT: He's testifying to what his understanding  
14 of that language means.

15 Q I'd like to turn now to your understanding of what the  
16 UNSPSC codes would be. Is this indicating that cereal  
17 products --

18 THE COURT: Let him testify.

19 Q Is it your understanding that cereal products, for  
20 example, would typically have a --

21 THE COURT: That's the same problem, the form of the  
22 question. Let him testify. Don't suggest an answer.

23 Q Dr. Shamos, a cereal could be Lucky Charms for your  
24 ten-year-old; is that fair?

25 A Yes. I'm a lot older than having a ten-year old, but,

1 yes.

2 Q And don't take this personally, but cereal could also be  
3 100 percent All Bran; right?

4 A Yes. I'm more familiar with that.

5 Q Is it your understanding that those types of products  
6 would be considered in the same virtual shelf space of  
7 electronic commerce as being discussed here or not?

8 A Yes.

9 Q Are those items that would be considered equivalent for  
10 purposes of the patents in this case?

11 A Not for purposes of this patent.

12 Q I'd like to turn now -- you can take that off the screen  
13 -- to your testimony about the means plus function clauses in  
14 the case. Do you recall being asked about whether you looked  
15 at whether there were equivalents of particular structures?

16 A I was asked about whether you asked me about them.

17 Q With respect to your analysis of the means plus function  
18 clauses, were you focused on more of whether the accused  
19 systems even met the functions in the first place that were the  
20 subject of those clauses, were you focused on the structure, or  
21 were you focused on both?

22 A Um, it's a two-step analysis. First you have to find  
23 something that performs the indicated function, that is the  
24 function that's recited in the Court's construction. If there  
25 isn't anything that performs that function, you don't even have

1 to look at the structure.

2 If you find something that performs that function, then  
3 you have to look at the structure to determine whether it is  
4 the recited structure in the patent or whether it is an  
5 equivalent of the recited structure.

6 In the cases of the means plus function elements that I  
7 looked at, the function wasn't even performed, so it's not  
8 necessary to look at the structure.

9 Q Finally, Dr. Shamos, was there any information that was  
10 brought to your attention during Mr. Robertson's examination of  
11 you that gives you any reason to change any of the opinions  
12 that you provided during your testimony today?

13 A No.

14 MR. McDONALD: I have no further questions. Thank  
15 you, Your Honor.

16 THE COURT: All right. Now, ladies and gentlemen,  
17 Dr. Shamos is going to be back with us Tuesday. The reason for  
18 that is this: I have told the parties, just for your  
19 convenience and ease of understanding, that they ought to try,  
20 as much as possible, the infringement part of the case all at  
21 the same time.

22 Now, that's not entirely possible, but to now we've  
23 been focusing on infringement. It won't be long before they  
24 start shifting to the issue of invalidity which we talked about  
25 and was talked about in the case -- I mean in the video, and

1 Dr. Shamos is going to give testimony about that topic also.

2 We're going to try to finish up with the infringement  
3 issues, and then there has to be some evidence, or they want to  
4 introduce evidence, Mr. McDonald does, that he thinks goes to  
5 this issue of invalidity, and then Dr. Shamos will testify.

6 In the meantime, Dr. Shamos, you are excused with  
7 your agreement, of course, to come back and be here on Tuesday.

8 THE WITNESS: Yes, Your Honor, thank you.

9 THE COURT: Thank you, very much.

10 MR. McDONALD: Your Honor, our next witness is Pamela  
11 Eng. Your Honor, may I hand up some exhibit notebooks?

12

13 **PAMELA L. ENG,**

14 a witness, called by the defendant, having been first duly  
15 sworn, testified as follows:

16 DIRECT EXAMINATION

17 BY MR. McDONALD:

18 Q Good afternoon, Ms. Eng. Could you state your full name,  
19 please.

20 A Pamela L. Eng.

21 Q Could you spell that, too, please.

22 A E-n-g.

23 Q I wonder if you could speak up a little, maybe get a  
24 little closer to the mic.

25 A Pamela L. Eng, E-n-g, my last name.

Eng - Direct

1949

1 Q Ms. Eng, back in the 1990s, did you used to work for IBM?

2 A Correct.

3 Q Did you work with respect to a product called the  
4 Technical Viewer/2 or TV/2 product?

5 A Yes.

6 Q I'd like to ask you some background questions first. Are  
7 you married?

8 A Yes.

9 Q Do you have some kids?

10 A Yes.

11 Q How old are they?

12 A My oldest is 25, and then 17, and eight.

13 Q Where do you currently live?

14 A Manassas, Virginia.

15 Q Where did you grow up?

16 A Culpeper, Virginia.

17 Q Did you go to high school there?

18 A Yes.

19 Q When did you graduate?

20 A 1981.

21 Q What did you do after you graduated from high school?

22 A I went to college.

23 Q Where was that?

24 A Mary Washington in Fredericksburg, Virginia.

25 Q What did you study there?

Eng - Direct

1950

1 A Computer science and math.

2 Q When did you start working for IBM?

3 A In May of 1984.

4 Q What was your first job with IBM?

5 A Associate programmer.

6 Q So you are a computer programmer?

7 A Yes.

8 Q Did you graduate from college?

9 A Yes.

10 Q When was that?

11 A May of 1984.

12 Q How long were you in that associate programming position  
13 at IBM?

14 A For about a year.

15 Q What did you do next?

16 A I was still a programmer. I went to the next level. I  
17 think it was just called programmer.

18 Q What sort of things did you do as a programmer at IBM?

19 A I wrote code for systems and I reviewed code, tested  
20 systems.

21 Q Was there a particular division you were working in at  
22 this time?

23 A At the federal systems division.

24 Q What, generally, was the business of the IBM federal  
25 systems division?

Eng - Direct

1951

1 A We worked for like defense, for the Navy in particular.

2 Q Did you have some responsibilities other than for  
3 programming while you were at IBM at that time?

4 A The whole time I was there?

5 Q Back in the this mid '80s time frame is, I think, where we  
6 are at now.

7 A I did programming, I did some project management, I did  
8 whatever we needed to do at the time. Anything with software.

9 Q Did you have any duties involving marketing?

10 A I did, yeah. Later I did.

11 Q When did you start having responsibilities or duties  
12 involving marketing at IBM?

13 A Probably at the late '80s, early '90s.

14 Q What type of marketing responsibilities or duties did you  
15 have?

16 A Well, at that time, we started taking some of the stuff  
17 that we were doing for the Navy and tried to see if we could  
18 use some of same kind of applications in the commercial space.

19 Q So if we turn ahead now to the early 1990s, let's say the  
20 1991 time frame, what were you doing at that time?

21 A Well, we were working on technical manuals for the Navy,  
22 or for any of the defense groups, Navy, Army, and we were  
23 trying to use that same kind of thing to see how other people  
24 who had a lot of technical information, how we could help them.

25 Q When you say technical information, I'm not sure I



1 understand what your job really was involving it. Can you  
2 explain what type of computer systems you were really working  
3 on at the time?

4 A Well, yeah. We had a lot of software for the submarines,  
5 and we had a lot of work on procedures like when they were  
6 doing troubleshooting for something that was broken, how to  
7 best do that, and there was lots of manuals that they used to  
8 do that, so what kind of system could we do to help them figure  
9 out what the problem was and then quickly fix it.

10 Q So did you do something with those manuals and your  
11 computers to help them?

12 A Well, yeah, that's how we got into the space working with  
13 Technical Viewer and that kind of thing, because we would try  
14 to take those manuals and put them into electronic format so it  
15 would be easier access.

16 Q This is for the Navy then, you are taking those manuals  
17 that they use on board a submarine and put them into a  
18 computer?

19 A We were working to try to do that, yes.

20 Q You mentioned the Technical Viewer system. When did you  
21 begin working on that TV/2 system?

22 A Probably sometime in '92. Maybe summer '92.

23 Q Do you have a reason to recall specifically it would have  
24 been around the summer of '92?

25 A Because my son, the 17-year-old, was born in April of '93,

Eng - Direct

1953

1 and I know I was working on that before and then when I came  
2 back.

3 Q So that's the time you were working on this Technical  
4 Viewer/2 system?

5 A Right.

6 Q What is Technical Viewer/2?

7 A It was -- the reason that we had two is because it was  
8 working on OS/2 operating system, but it's basically just a  
9 technical viewer, so it lets you look at any kind of data,  
10 manuals like I was talking about, troubleshooting manuals or  
11 parts lists or tables of information, procedures, anything like  
12 that. It will let you look at it on a PC instead of in the  
13 books.

14 Q Was the TV/2 product designed to work with parts catalogs  
15 or not?

16 A Yes.

17 Q In that 1992/'93 time frame, was, in fact, TV/2 being used  
18 by any particular companies that you knew of?

19 A The product was developed in the UK, and I think that they  
20 were using it with Volvo.

21 Q Volvo?

22 A Volvo, the cars.

23 Q Was IBM pursuing other customers for that TV/2 system back  
24 in that '92/'93 time frame as well?

25 A Yes.

Eng - Direct

1954

1 Q What other customers was IBM pursuing?

2 A We were still pursuing the Navy. I know we went to  
3 Caterpillar. We'd go to different trade shows and get a booth  
4 and show it to a lot of people there.

5 Q You mentioned Caterpillar?

6 A Caterpillar.

7 Q What did you do related to Caterpillar and the TV/2  
8 system?

9 A We went -- well, they must have come to one of our trade  
10 shows. We did go to a couple visits to Caterpillar and tried  
11 to put some of their data into the electronic form to see if it  
12 would be easier for them to use.

13 Q If I give you August '93 as kind of an important date here  
14 in deciding what, how important this information is, was this  
15 activity going on before August of 1993?

16 A Yes.

17 Q Was IBM actually offering for sale and placing on sale the  
18 TV/2 product prior to August 1993 or not?

19 A Yes.

20 Q Now, you mentioned something about OS/2. So TV/2 is not a  
21 product that followed TV/1; is that right?

22 A No.

23 Q So the two in TV/2, that's because it worked on an OS/2 --

24 A Yes, OS/2.

25 Q What is OS/2?

1 A It was just an operating system.

2 Q Is that an operating system that IBM created, or was that  
3 from someplace else?

4 A No, IBM.

5 Q How did the Technical Viewer/2 system actually work?

6 A It was a viewer, so you would take the data that was in a  
7 book such as this, and you would put it into an electronic  
8 form, and then you would be able to bring your PC and navigate  
9 through the data much the way you would a book. You can jump  
10 to different sections of the book or search for different  
11 keywords in the book and view it. That's why it was called a  
12 viewer.

13 Q So when you say book, can you give me some examples of the  
14 sort of books that this product was really designed to work  
15 with?

16 A It could work with any kind of data. So we tried to do it  
17 with the tech manuals for the Navy, and then with Fisher we did  
18 it with their parts catalogs. Volvo had the parts catalogs  
19 integrated in their demo. When we first got the product from  
20 the UK, they had done that same thing for the Volvo, putting  
21 their parts catalog in there. So it could be either one.

22 Q So what would be the process involved back in this '92/'93  
23 time frame for getting a parts catalog into the TV/2 system?

24 A Okay, first if you just had the hard copy of the book,  
25 then you would scan the pages, separate the pictures. You

1 would run OCR, which is optical character recognition software,  
2 to take it from a scanned image to the words. Then you would  
3 have to go in, and sometimes it wouldn't get the words right.  
4 So fix the words and put it into a place where you could tag to  
5 what parts were what and then compile it so you could view it.

6 Q So you would actually take page by page a hard copy of a  
7 parts catalog; is that right?

8 A If you only had the hard copy, yes. If you had an  
9 electronic copy, there was different ways you could do it, to  
10 tag it as what pieces were what.

11 Q And then in '92/'93 time frame, did you, in fact, load the  
12 Technical Viewer/2 system with documents that started out in a  
13 hard paper form?

14 A Yes.

15 Q So you would just take the document, and that would  
16 include, for example, that Volvo parts catalog; correct?

17 A Correct.

18 Q And just take that paper catalog and scan it in one page  
19 at a time?

20 A Yes.

21 Q Back then, how well did the scanners work?

22 A Back then, we thought they worked pretty good, but they  
23 probably didn't compare to now, but back then they worked  
24 pretty good.

25 Q How long would it take to scan in a page at that time,

1 let's say from a parts catalog?

2 A The process was very tedious. I don't know how long it  
3 took for one page, but I know the OCR software was not good at  
4 all, so there was a lot of rework to do on the pages,  
5 especially when you had a parts catalog that had words in there  
6 that weren't really words such as part number, FX3209. It  
7 would easily get some of those things wrong. It took a lot of  
8 work. It was doable, but it took a lot of work.

9 Q Were you personally involved with that process of doing  
10 those scans?

11 A Painfully, yes.

12 Q Was the object of the process to try to re-create in the  
13 computer form something that looked just like the pages from  
14 the catalogs?

15 MR. ROBERTSON: Objection, leading, Your Honor.

16 THE COURT: Just ask the question, what was the  
17 object of the process.

18 Q What was the object of this process of taking these pages  
19 from the catalog and doing the steps you just described?

20 A We were trying to get the information that was in the hard  
21 copy catalog, the same information onto the electronic format  
22 so that you could take not the big books but maybe a laptop and  
23 do the same thing.

24 Q Was there some documentation that IBM generated regarding  
25 the Technical Viewer/2 system back in the early '90s?

Eng - Direct

1958

1 A Yes.

2 Q I think you have a notebook up there, Ms. Eng. Could you  
3 turn to Defendant's 230 which, I believe, is already admitted,  
4 Your Honor, so let me go ahead and put the first page up on the  
5 screen.

6 Ms. Eng, you can look at the screen or the paper copy in  
7 that notebook there, whatever is convenient for you, but my  
8 first question is, do you recognize this document here that's  
9 been marked DX-230?

10 A Yes, I do.

11 Q What is that?

12 A It was our general information manual.

13 Q Manual for what product?

14 A For the Technical Viewer/2.

15 Q How did you use this general information manual,  
16 Exhibit 230?

17 A Well, this book we gave to people who maybe would want to  
18 use the product and wanted a little bit more information just  
19 to what it did and what some of the requirements were.

20 Q You said give it to people who might want to use the  
21 product. Would that be people that you were hoping would  
22 actually buy the product, or are we talking about other types  
23 of things?

24 A No, people who we think might buy the product.

25 Q If we can go to the second page of this exhibit, and in

Eng - Direct

1959

1 the lower left corner there, there there's some pretty tiny  
2 print there. If you can't read it on paper form, we will try  
3 to blow it up for you on the screen here. Do you see down  
4 there a legend on that second page of this exhibit?

5 A Uh-huh.

6 Q Say yes or no so she can --

7 A Oh, yes.

8 Q What does that legend say down there in the lower left  
9 corner?

10 A It says, copyright, IBM Corp., 1991.

11 Q Is it your understanding that this document was in use at  
12 IBM while you were at IBM in the 1991 time frame?

13 A Yes.

14 Q Is it something that in 1991 IBM was distributing to  
15 potential customers, in the 1991 time frame?

16 A From reading this, yes, I would think so.

17 Q Were you ever personally involved or have personal  
18 knowledge that this was distributed to particular customers?

19 A In '92, yes. I don't know about '91.

20 Q That's right, because you weren't working on this product  
21 until '92. Okay, so your personal knowledge, when you got  
22 there in '92, you were aware that from that time they were  
23 distributing this?

24 A Yes.

25 Q Now, if we can go to the page -- the fourth page of the



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1960

1 document should say about this book at the top. Do you have  
2 that fourth page? Has the 0015 in the lower right corner, I  
3 believe?

4 A Yes.

5 Q Now, you see right that below the "about this book,"  
6 there's a section, who should read this book; do you see that?

7 A Yes.

8 Q Now, generally here, can you tell me, that second bullet  
9 point, the book is for, quote, those people who are responsible  
10 for evaluating Technical Viewer/2 for use within their  
11 organizations; do you see that bullet point?

12 A Yes.

13 Q Is it your understanding that that was IBM's way of saying  
14 this is designed for people who are evaluating the technical  
15 viewer system, not just for use but to buy it hopefully?

16 A Yes.

17 Q If you turn a few more pages, I think six more pages up to  
18 the page G19 in the lower corner, that's the page that has  
19 introducing IBM Technical Viewer/2 at the top; do you see that,  
20 Ms. Eng?

21 A Yes.

22 Q Blow up that very -- okay. Do you see the very first  
23 sentence under heading, Technical Viewer/2 is an electronic  
24 documentation program that any organization can use to produce  
25 and display large amounts of information? Do you see that?

1 A Yes.

2 Q And then the next sentence, it indicates that that  
3 information can include parts catalogs and service manuals  
4 available to users; right?

5 A Correct.

6 Q So, when you say parts catalogs there -- and this is a  
7 document you personally used yourself back in the '92 time  
8 frame?

9 A Yes.

10 Q Are those the same sort of parts manuals, parts catalogs  
11 like you were talking about earlier with Volvo?

12 A Yes.

13 Q And was Caterpillar, were they interested in using it for  
14 parts catalogs, or was it something else?

15 A Parts and service manuals.

16 Q And the third paragraph there, you see that sentence, the  
17 information can include texts, diagrams, and photographs; do  
18 you see that?

19 A Yes.

20 Q What is your understanding as to what information they are  
21 taking about there in this document?

22 A Well, as I said, it could be text, it could be diagrams  
23 such as not pictures of a part, but if you look at the Volvo,  
24 they had like line drawings of their parts, or it could be  
25 photographs, actual photographs.

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1962

1 Q Now, did the TV/2 system have the capability of  
2 transferring information to other systems?

3 A Yes.

4 Q What sort of information did the TV/2 system transfer to  
5 other systems?

6 A Well, basically, it was in these documents talking about  
7 that you could link it to your inventory system or your parts  
8 ordering system. So, for instance, if -- like with the Navy,  
9 if they knew that they were going to need something to fix  
10 something, they could go ahead and put the order in for that  
11 and check inventory to see if they had it. In the Fisher case,  
12 it would be for ordering parts information.

13 Q Is it your understanding that the TV/2 system was designed  
14 for the purpose of not just helping to search manuals but also  
15 to transfer the results of a search to other systems as you've  
16 just described?

17 MR. ROBERTSON: Objection, leading.

18 THE COURT: I'm just going to ask you to please let  
19 her testify instead of testifying. Sustained.

20 Q And what is your understanding then as to how the  
21 Technical Viewer/2 system could transfer information to other  
22 systems?

23 A There was an interface, so as you -- like when you pulled  
24 up a screen, you could make selections. It would store that in  
25 memory, and then it would have that, so you could put it in

1 interface and interface with another system and transfer that  
2 data.

3 Q Did it have that interface in 1992?

4 A Yes.

5 Q Was TV/2 being offered with the interface part of it in  
6 1992 for sale?

7 A It had it, yes, a generic -- it had a generic interface to  
8 pull out data, and then you would just fix that to whatever you  
9 wanted, whatever your specific need would be.

10 Q Maybe you can explain that a little bit more. What do you  
11 mean by a generic interface?

12 A Well, I mean, it wasn't built for a specific customer. It  
13 was built as a general tool so you could interface with  
14 whatever system, whether it be a parts ordering or inventory  
15 management. So it had the capability to pull out whatever data  
16 and transfer to another system.

17 Q Did you indicate that there was some of these perhaps to  
18 make some modifications to it for particular systems? Did I  
19 understand that?

20 A Well, I mean, it was just built so it was flexible enough.  
21 You would have to tell it what you were transferring. You'd  
22 have to say, in this case, if it was a part number, we would  
23 have to tag it to make it intelligent data. This is a part  
24 number and we want to it send here.

25 For somebody else, it might be a part description or a

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1964

1 certain code or something like that. So it was -- you didn't  
2 have to redo it, but you had to tell it what you were sending  
3 in each case. Just do a specification with it.

4 Q So did you have to tell it in each case what to do  
5 depending --

6 A Who you were integrating with.

7 Q We were on this page -- can we go to page G20, I think  
8 page nine of this document, and highlight the section, a basis  
9 for application development.

10 THE COURT: What page is it?

11 MR. McDONALD: Page G20. 20 are the last two digits  
12 in the lower right corner, Your Honor. I believe it's page  
13 nine of the document.

14 THE COURT: Which exhibit?

15 MR. McDONALD: The lower right number with the last  
16 four digits are 0020.

17 THE COURT: Okay.

18 Q So what's up on the screen right now, Ms. Eng?

19 A A basis for application development.

20 Q Can you put in lay terms what you described here in this  
21 part of this manual?

22 A I'm looking. Okay, this is what I was talking about when  
23 I said it lets you -- where it said, for example, in addition  
24 to finding a part number from a parts catalog, user can extract  
25 that information and transfer it electronically to their data

1 processing center.

2 That's where you would figure out what you wanted to be  
3 able to select on your data, and then you would select that,  
4 and then you would send that to your interface. So it says  
5 there you can either -- here it says, make requests to see if  
6 it was in stock or check a price. You could also do it for  
7 ordering, and you would do that with a mouse. You would just  
8 select it.

9 Q So when we talk about stock availability and price, are we  
10 talking about information about particular parts or items, or  
11 is it something else?

12 A Could be parts -- yeah.

13 Q Close out this box and then go to the next section right  
14 below that called connectivity to other systems. I'll give you  
15 a chance, Ms. Eng, to review what's up on the screen there,  
16 and, again, could you explain to us in lay terms what is being  
17 communicated here in this section called connectivity to other  
18 systems in this --

19 A Basically says you can have this running on a local area  
20 network so you can connect it and talk to other systems.

21 Q Let's turn ahead a few pages to the 12th page of the  
22 document with the last page 23 in the lower right corner.

23 Is this a page that is at least the start of a list of  
24 features of the IBM Technical Viewer/2 system?

25 A Yes.

1 Q Have you seen this document or this particular list  
2 before?

3 A Yes.

4 Q Is it your understanding that the IBM TV/2 product, as it  
5 existed back in 1992, had the features listed here?

6 A Yes.

7 Q Did the TV/2 system have a search feature?

8 A Yes.

9 Q Is that described anywhere in this page?

10 A It's the third item.

11 Q That's now blown up on the page here. Can you explain,  
12 Ms. /EPG, in your own words how the search function in the  
13 Technical Viewer system worked back in '92?

14 A Well, you could just type in a word, so, for example, if  
15 you are looking in a parts catalog, you could type in beaker,  
16 and it would find all the list of beakers. It says here, you  
17 can even find it from a current topic, which is one section, or  
18 you can select several sections, or you can go through one  
19 catalog or go across multiple documents.

20 Q When you say a topic is a section, can you explain more  
21 specifically what you mean by that?

22 A Just like a section in this book, you had one section, you  
23 had another section. You would see the table of contents in  
24 any document or the parts catalog. You would see those, and  
25 you could go through all of them or just pick one section and

1 look in that.

2 Q What sort of user interface was used with a Technical  
3 Viewer/2 system back in the '92 time frame?

4 A It was graphical user interface.

5 Q What is a graphical user interface?

6 A I mean, you can see it and interact with it.

7 Q Was it as opposed to something else? Is there another  
8 type of interface that you use a computer?

9 A Well, before that, there was just text. We had like -- I  
10 mean, you could navigate around through it. You could have --  
11 so you could have a picture of a beaker if you wanted to, and  
12 you could click on that. It would be a hypertext, and you  
13 could go to more information about.

14 You could read the text, and you could change the sections  
15 with the table of contents to get more information or less  
16 information, or you could click -- if you had a diagram of a  
17 part, you could click on a certain piece of that and go to get  
18 more information.

19 Q Is there -- you are familiar with the concept of windows  
20 other than the type windows that let in the sunshine?

21 A Yes.

22 Q For computers. What is your understanding as to what  
23 windows is for a computer?

24 A It's a box on your screen.

25 Q You're kind of looking at me like I'm a little crazy. Is



1 it because I'm --

2 THE COURT: He said that, you didn't.

3 Q Is that because -- can you tell me why you are looking at  
4 me like I'm a little crazy?

5 A I never thought -- it's so basic and everybody knows it.  
6 I can't even describe it kind of.

7 Q Maybe I'll take the hint and move this along. Is there a  
8 section on this page near the bottom here -- can we blow it up,  
9 Bill, the section about windows?

10 Did the Technical Viewer/2 system -- back in the 1992 time  
11 frame is what's being discussed here and what's blown up on the  
12 screen, that it presented information in that windows format  
13 that you were talking about?

14 A Right.

15 Q I think we'll move along from that topic. Let's go to the  
16 next page of the document with the number 0024 in the lower  
17 right corner.

18 Can we go ahead and blow up the text there on the upper  
19 half of the page? This is listing some additional features of  
20 the Technical Viewer/2 product carrying over from the prior  
21 page; right?

22 A Yes.

23 Q Can we blow up the parts catalog section, please. Do you  
24 have that up on your screen now, Ms. Eng? Can you see that?

25 A Yes.

1 Q Can you put in lay terms what's being described here about  
2 the parts catalog feature of the TV/2 product?

3 A Right. This is what I was kind of talking about a little  
4 bit ago about the diagrams, but you could actually have one  
5 diagram on this side and a table on this side. So this picture  
6 maybe have five or six lines pointing to parts of a diagram  
7 here, and the table would have the same thing. So I could  
8 select over here, and it would automatically select over here.

9 Q Let me stop you for just a second because you are using  
10 your hands here, and the court reporter can't type that part,  
11 so let's just -- you are kind of holding up your hands like  
12 it's a side-by-side type of display; is that fair?

13 A Uh-huh. So where it talks about here in the second  
14 sentence, allows users to select parts by picking call-out  
15 numbers on a diagram or by selecting parts from the list, so  
16 you could have a diagram and a table, for instance, for a  
17 specific part, and you can select it from the diagram, or you  
18 can select it from the table, and as you made a selection from  
19 either side, it would switch the other side so you could see  
20 what you were selecting.

21 Q Can we turn to the next page, please. Up at the top  
22 there, is there a section that talks about the hardware and  
23 software requirements?

24 A Yes.

25 Q So it refers to the personal system 2 or PS/2 system. Do

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1970

1 you see that?

2 A Right.

3 Q I know you've already talked about the OS/2, so can you  
4 tell us just what is the PS/2?

5 A It was just a name for a computer.

6 Q Did Technical Viewer/2 system come with memory that would  
7 allow it to hold the data that would be scanned in?

8 A Well, you had to have the memory on your computer to run  
9 the program.

10 Q Was the TV/2 sold with a computer, or was it sold  
11 separately?

12 A It could be sold separately.

13 Q Could it be sold either way?

14 A Yes.

15 Q And if we go to the lower part of this page where it says  
16 hardware components?

17 A Yes.

18 Q Are these the components that the Technical Viewer/2  
19 system worked with, or is it something else?

20 A It's what you would need. You'd need to have a computer  
21 with memory and hard drive, diskette drive and a keyboard,  
22 mouse, and monitor.

23 Q So are the materials that we've been reviewing here so far  
24 regarding this bullet point, are they accurate with respect to  
25 the TV/2 product that IBM was offering for sale in 1992 or not?

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1971

1 A Yes.

2 Q Let's turn to a different document now regarding the TV/2.  
3 If we could put up Defendant's Exhibit Number 107 which has  
4 already been admitted, Your Honor. Can we blow up the top half  
5 of the page there.

6 So actually you have a paper copy of this document, Ms.  
7 Eng, so before we go through the details, can you just look at  
8 your copy of Exhibit 107 and tell me, do you recognize that  
9 document?

10 A I do.

11 Q What is it?

12 A It's the flashy brochure, the very short brochure. It was  
13 flashy at the time.

14 Q This doesn't look that flashy, frankly. Can you explain  
15 what you mean by flashy?

16 A Actually, we had them in kind of glossy paper, and we  
17 would hand them out at trade shows and such. It is a short  
18 document.

19 Q This is probably a copy of a copy of a copy of what used  
20 to be pretty glossy?

21 A Yes.

22 Q That's what happens when lawyers get hold of these things.  
23 What's shown in this picture here on the first page, Ms. Eng?

24 A This is -- I think this is one -- yeah, this has a lot of  
25 samples from the Volvo demo that came with the system, and I

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1972

1 think this is probably just a picture of a Volvo.

2 Q Did you personally see this brochure back in '92?

3 A Yes.

4 Q How did you use it?

5 A I handed it out to lots of people.

6 Q What type of people were you handing it out to?

7 A Anybody who came buy. This was the first thing we would  
8 give them, so if we were at a trade show, anybody who came by,  
9 we'd see if they'd want one of these. It was just the very top  
10 level information.

11 Q When you were at trades shows, where were these trade  
12 shows located that you would distribute these brochures at back  
13 in '92?

14 A I think one was in Texas, one was in Florida. I don't  
15 really remember all the places.

16 Q Can we turn to the second page of this -- is it fair to  
17 call this a brochure, or would you rather call it something  
18 else?

19 A Brochure is fine.

20 MR. McDONALD: If we can blow up the top of the page  
21 there with the formerly glossy images. Just the images part,  
22 Bill.

23 Q Can you tell me what's being depicted here on this  
24 photocopy of these images, Ms. Eng?

25 A This was the Volvo demo, and so the first one is just a

1 picture of a Volvo, but the second one is like a menu choice  
2 where you could go to different sections, diagnostic sections.

3 Q You can touch the screen if you push your finger pretty  
4 hard. Can you push your finger next to the box that says the  
5 diagnostics?

6 A Well, I'm guessing it might be that one.

7 Q Why do you guess it's that one?

8 A Looks like a D, and it's one word and it's long, and  
9 there's another one for parts something somewhere here. I  
10 really can't read them very well here.

11 THE COURT: Don't guess if can you can't see them.

12 THE WITNESS: I know that there was a parts -- I  
13 don't know which one is which, but there was a diagnostics one,  
14 a parts one here. At least I know those.

15 Q Did you actually use that Volvo demo?

16 A We did.

17 Q So had you actually seen the screen that looks like this  
18 on an actual computer terminal?

19 A Yes.

20 Q Is it your understanding that this picture is a relatively  
21 poor depiction of what's on that computer screen?

22 A Well, right. It's a screen shot. Both the second and the  
23 third one are screen shots from the demo.

24 Q So on the actual computer that you personally saw, what  
25 were the boxes available on the screen that would relate to

1 that middle picture here? You mentioned diagnostics and parts  
2 catalogs. I just see some other boxes on here, so can you tell  
3 me what the other boxes --

4 A I don't remember the other ones.

5 Q On the third picture to the right, I think you said that's  
6 another screen shot?

7 A Yeah, that is another screen shot.

8 Q That was the Volvo demo system of the TV/2?

9 A Yes, and I'm pretty sure that's one of the diagnostic  
10 pages.

11 Q What do you mean by diagnostic page?

12 A By diagnostics, I mean the troubleshooting part that we  
13 would put in there so -- it's kind of like now if you have  
14 anything wrong, you know, they say, is the power turned on; yes  
15 or no. If it's yes, they ask you another question. If it's  
16 no, they say put the power on. It's something similar to that.

17 MR. McDONALD: So if we can back away from the  
18 pictures now, Bill, and highlight the middle part of the text  
19 in it.

20 Q The paragraph on the right, do you see the paragraph, now  
21 IBM can help you save time, space, and frustration with a  
22 facility which makes it easy to search through large volumes of  
23 information quickly, easily, and accurately? Do you see that  
24 sentence?

25 A Yes.

1 Q Is that sentence describing the TV/2 system as it existed  
2 in 1992?

3 A Yes.

4 Q Back off this then. There's a picture at the bottom of  
5 this page. I don't know that we have to blow that up if you  
6 can just tell me briefly what is being shown at the bottom of  
7 the page there in the picture?

8 A I mean, that's the system we need, the computer, the  
9 keyboard, monitor, the mouse. I think that actually is the  
10 parts diagram there, and then a CD-ROM because we would take  
11 large volumes of data and then put it on a CD-ROM.

12 Q I'm going to put a mark on the page here. Did I put a  
13 mark next to the CD-ROM?

14 A Yes.

15 Q So what was typically on the CD-ROM for TV/2 back in 1992?

16 A Electronic version of whatever material we were using.

17 Q Can you give me an example of what would have been on a CD  
18 for this system back in 1992?

19 A So for like the Volvo, it would be their parts catalogs  
20 and their troubleshooting. For Fisher, it would have been the  
21 parts catalog with pictures, all of that.

22 Q So for Volvo, I want to make sure I heard you right. Did  
23 you say for Volvo it would be a parts catalog or multiple parts  
24 catalogs?

25 A It could be either.



1 Q Did you actually have CDs in 1992 for some purpose that  
2 had multiple catalogs on them?

3 A Yeah, we did. Not full catalogs, but we had multiple  
4 catalogs on this so we could show the capability.

5 Q When you say not full catalogs, what do you mean by that?

6 A Well, before we had an actual customer, we didn't just go  
7 put entire catalogs in there. We actually did one for Lands  
8 End, so we'd take like several sections of their database -- I  
9 mean their catalog and put it into a database and then take  
10 another clothing thing and put that in so we could show it.  
11 But we wouldn't do the whole -- it took a lot of time.

12 Q So when you say just so we could show it, what was it  
13 exactly you were trying to show?

14 A That you could show the demo, the capability to search and  
15 to put multiple documents on there.

16 Q If we turn to the next page of the document, please, page  
17 -- 32 would be the last two digits in the lower right corner.  
18 I believe it's page three. This is another page of this TV/2  
19 brochure; right, Ms. Eng?

20 A Yes.

21 Q Could you blow up actually the images at the very top. Do  
22 you see those up on the computer screen now, Ms. Eng?

23 A Yes.

24 Q What are those three images showing there up on the screen  
25 right now?

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1977

1 A The first one is showing procedure accompanied by a  
2 diagram, and then the four boxes at the bottom are something  
3 you could do with that. Like you could get more information or  
4 go order something. The.

5 Second one is what I was trying to show with my hands. It  
6 is a diagram in the major part of the screen, and then in the  
7 middle part of the right-hand side, it's a parts table. And  
8 you can see where one is selected on that. Somewhere on that  
9 diagram, there's also a part highlighted. So as you scrolled  
10 through or selected on either side, you would be able to select  
11 something and then go do something with that information.

12 Q Just to be clear, those first two images you just  
13 described, are those screen shots from a computer?

14 A They're screen shots from the Volvo demo.

15 Q Can you tell what that third picture is?

16 A Looks like somebody driving.

17 Q So maybe that's a Volvo?

18 A Probably.

19 Q So we can go back to this page here, and the last  
20 paragraph on the left side, do you see this paragraph here on  
21 the screen, Ms. Eng, that talks about creating a shopping list?

22 A Yes.

23 Q In 1992, could the TV/2 system create a shopping list?

24 A Yes.

25 Q What is a shopping list?

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1978

1 A Well, it's at the middle picture at the top where you can  
2 select various things you want to do something with. So let's  
3 say you wanted to order several parts. You could select them  
4 from that list and then go down and send them to your ordering  
5 system.

6 Q So that last sentence there says, the parts list could  
7 then be sent directly to your parts ordering system all without  
8 moving from your PS/2. Do you see that sentence?

9 A Yes.

10 Q Does that relate to that discussion that you already  
11 provided to us about the interface that the TV/2 had?

12 A Right.

13 Q So we don't have to go through that again. Did the  
14 Technical Viewer/2 system come with the option of getting a  
15 tool kit?

16 A Yes.

17 Q What is a tool kit?

18 A It was a way to author the data and put it into the  
19 electronic...

20 Q Who would use the tool kit?

21 A Anybody who was trying to make an electronic book. You  
22 could scan it, but if you had the data already in electronic  
23 format, you could use the tool kit and try to tag it.

24 Q So this tool kit, is that something designed for your  
25 customers to use or somebody else?

1 A No, our customers can use it.

2 Q If we can go back to the first paragraph on the left  
3 column here, blow that paragraph up. Do you see the phrase  
4 keywords there in about the sixth line down?

5 A Yes.

6 Q What were keywords in the context of the TV/2 system?

7 A If you wanted to search for something.

8 Q What sort of keywords could you put into the TV/2 system  
9 as of 1992?

10 A You could type anything you want. Anything.

11 Q You could search for anything?

12 A (Indicating affirmatively.)

13 Q Can you say yes or no?

14 A Yes.

15 Q Thank you. And by the way, when we're talking about 1992,  
16 is this before IBM had even begun talking to Fisher about  
17 whether or not IBM would provide any sort of product to Fisher  
18 to work with the Fisher system?

19 A Correct.

20 Q Turn to the next page, please. I think this is the last  
21 page of the document; correct?

22 A Yes.

23 Q Now, on the left side of this heading, some of the  
24 possibilities, and then on the right side, it says, and some of  
25 the advantages; correct?

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1980

1 A Correct.

2 Q Can we just blow up the left column here to start with. I  
3 think we've already talked about a few of these, but let me  
4 just zero in on the third one there. Do you see the bullet  
5 point there that says integrating parts catalogs with dealers'  
6 computer systems such as order entry, inventory management, and  
7 computer records; do you see that?

8 A Yes.

9 Q What is your understanding as to what's being communicated  
10 here including that bullet point in the brochure?

11 A The fact that we could make it smarter, we could interface  
12 it with another system. So you could find the data here and  
13 then use it to do something else, order, check inventory, check  
14 price.

15 Q Now, at some point after 1992, did you become familiar  
16 with the Fisher requisition and inventory management system  
17 called RIMS?

18 A Yes.

19 Q Is it your understanding that the RIMS system was an  
20 inventory management system or something else?

21 MR. ROBERTSON: Objection; leading, lack of  
22 foundation.

23 THE COURT: She became familiar with it. Why don't  
24 you ask her the questions. I think I'm going to ask you to do  
25 that. I don't want to have to entertain any more leading

1 objections, okay.

2 MR. McDONALD: I'll try to rephrase.

3 Q What is your understanding as to what the RIMS system was?

4 A It was their inventory management system.

5 Q If we can go to the right column. You see the very first  
6 bullet point there where it says Technical Viewer/2 can create  
7 viewable documents directly from any SGML, standard generalized  
8 markup language, or IBM GML source file?

9 A Yes.

10 Q That's a fair amount of lingo in that one. Can you  
11 explain in lay terms what that is referring to?

12 A That is the tagging system that we use to say this is a  
13 paragraph, this is a table, this is a part. It's just a  
14 tagging language.

15 Q Why did you need a tagging language?

16 A Because we were making the data smart so you could select  
17 a part number and transfer something.

18 Q If we just zip down to the very last bullet point, do you  
19 see that one?

20 A Yes.

21 Q It says, large capacity means all technical publications  
22 can often be held on a single CD-ROM; do you see that?

23 A Yes.

24 Q When it says large capacity, can you explain large  
25 capacity of what?

1 A Like multiple books.

2 THE COURT: What large -- what is it that had large  
3 capacity?

4 THE WITNESS: The Navy had huge amounts of binders.  
5 You could stack them up really high, and the catalogs, the  
6 parts catalogs for Fisher had -- they were big books.

7 THE COURT: But what is it in this thing that says  
8 large capacity? What is it that has a large capacity?

9 THE WITNESS: The TV/2 could handle the large --  
10 could put that data in there, into a --

11 THE COURT: TV/2 had the large capacity?

12 THE WITNESS: Large capacity means all technical  
13 publications can be held on a single CD-ROM. So we would take  
14 the data, put it into an electronic format, and put on it a CD  
15 which took up less space.

16 THE COURT: Was it the CD-ROM that had the large  
17 capacity?

18 THE WITNESS: Well, that's where -- it was stored on  
19 there. It could be on your hard drive but then you couldn't --

20 THE COURT: But in this sentence, I think is what  
21 he's asking. This suggests that something has large capacity.  
22 What I'm asking is what was it that had it. There are lots of  
23 different things that can have large capacity.

24 THE WITNESS: Technical Viewer/2 could handle a large  
25 capacity, but Technical Viewer itself just read the data so it

Eng - Direct

1983

1 would be stored either on your hard drive or a CD.

2 THE COURT: So the TV/2 didn't have any large  
3 capacity?

4 THE WITNESS: It had the ability to read large  
5 capacity.

6 THE COURT: It could process it, but it didn't hold  
7 it?

8 THE WITNESS: No, not in the program.

9 Q So with the CD, what was done with that single CD-ROM to  
10 get it into the TV/2 system?

11 A It would be the input for the TV/2 system.

12 Q So you just slide that CD in like you do typically with  
13 would your computer today?

14 A Right.

15 Q And then it's part of the computer system at that point?

16 A Right.

17 Q If we can blow back up on this one to a full page. That's  
18 probably it for that one.

19 Are you aware of any other marketing materials from the  
20 1992 time frame for the TV/2 system, Ms. Eng?

21 A We used these two documents, and we also made a video.

22 MR. ROBERTSON: Objection, Your Honor. The Court's  
23 ruled on that.

24 THE COURT: Well, if I have, I don't remember.

25 MR. ROBERTSON: Can we approach then, Your Honor?



1 THE COURT: Yes.

2

3 (Discussion at sidebar as follows:)

4

5 MR. ROBERTSON: This video was at issue in a pretrial  
6 conference and subject to a motion, and the Court ruled it  
7 could not come into evidence, Your Honor.

8 THE COURT: Is that in the pretrial order?

9 MR. ROBERTSON: Yes, sir.

10 THE COURT: Well, then, you can't ask her about it.

11 MR. McDONALD: We'll stop right there. I didn't mean  
12 to get into the video thing.

13 THE COURT: Okay.

14

15 (End of sidebar discussion.)

16

17 MR. ROBERTSON: Your Honor, could I move to strike  
18 the last question and answer, please.

19 THE COURT: Yes, the last question and answer shall  
20 be stricken.

21 Q Did you personally go out and do any actual demonstrations  
22 of the TV/2 for potential customers, Ms. Eng?

23 A Yes.

24 Q Can you describe how you do a demonstration of the TV/2  
25 back in the '92 time frame?

1 A We brought a PC with us, and we brought up the program.  
2 We tried to get a little bit of background about what the  
3 customer was wanting to do, and then we would show them the  
4 demo. We'd show them the displaying the information, selecting  
5 parts, ordering, selecting them, sending them to an ordering  
6 system, and then basically ask them questions about what they  
7 wanted to do and see if we could tell what it did that would be  
8 beneficial to them.

9 Q I'd like to now turn to the time frame when IBM and you  
10 started working with Fisher to develop the TV/2 product.

11 THE COURT: Started working with Fisher to do what?

12 MR. McDONALD: With respect to the TV/2 product.

13 Q Do you have an understanding as to how that came about,  
14 Fisher and IBM started working together?

15 A Yes.

16 Q What is your understanding?

17 A Well, I think the IBM sales group in Pittsburgh was  
18 working with Fisher to come up with a solution for their parts  
19 catalogs.

20 Q And how did you get involved in that project?

21 A I think that they -- Pittsburgh had talked to the people  
22 in the UK about the product, and they said the group in  
23 Manassas was already using that.

24 Q And you were in a Manassas?

25 A I was in Manassas. We were definitely already using it,

Eng - Direct

1986

1 so we worked with the UK a lot, but then we just started  
2 working directly with the people in Pittsburgh.

3 Q Were there some other people from IBM that you worked with  
4 on this project specific to Fisher?

5 A Yes.

6 Q Who else did you work with?

7 A I worked with Al Roland, Kevin French, Shenita Holmes.  
8 There was a lot of people that worked on this.

9 Q Was the name Charles or Chuck Gounaris familiar to you?

10 A Oh, yeah. He was in the sales office. He wasn't in  
11 Manassas.

12 Q He was in the IBM sales office?

13 A Yes.

14 Q Do you recall any names of the Fisher people that you  
15 worked with on this project?

16 A No, not really.

17 Q So when Fisher came to IBM about this project, what type  
18 of technology did Fisher already have at that point?

19 A As far as the parts catalog?

20 Q Well, whatever they came to you with in terms of what they  
21 wanted to work with you about.

22 A They had their inventory management system.

23 Q What was your understanding as to what this project was  
24 about?

25 A To take their parts catalogs, put it in electronic format,

Eng - Direct

1987

1 and integrate it with their inventory management system.

2 Q And did IBM do that?

3 A Yes.

4 Q Were you involved in that project?

5 A I was. I left before they completed the whole project,  
6 but I was there until early '95.

7 Q So in early '95, it wasn't quite done yet?

8 A I think it wasn't quite done yet. They were still doing  
9 some stuff.

10 Q What was your role in this project with Fisher?

11 A We did a lot of different things. In the beginning, I was  
12 helping them scan the documents. Then that was taking too  
13 long, so then we tried to figure out if we -- since they  
14 published the catalogs anyway, could we get their electronic  
15 input for their catalog and take that and just retag it to get  
16 it in there. We talked about how they wanted to put some more  
17 integration around their inventory management system.

18 Q Let's take that in pieces here. You mentioned something  
19 about scanning documents. Which documents are you talking  
20 about?

21 A Several of the Fisher sections, and then we had another --

22 THE COURT: Sections of what, Ms. Eng?

23 THE WITNESS: Of the Fisher catalog. And then they  
24 gave us another catalog, but I can't remember -- maybe  
25 Fairmont. Maybe Fairmont.

Eng - Direct

1988

1 Q Who is Fairmont?

2 A Another parts catalog.

3 Q They gave you a second catalog from somebody else?

4 A Yeah.

5 Q And then you mentioned something about I think you said  
6 e-catalogs; did I hear that right?

7 A Oh, once it was taking so long to scan the data and do the  
8 OCR and do the spell check or re-code a lot of it, we figured  
9 that to publish that catalog they must already have an  
10 electronic version of that, so we tried to go back and get  
11 their electronic data and convert it to do it a different way.

12 Q Were you able to get the electronic version at some point?

13 A Yeah.

14 Q About how long after you had begun with the prior scanning  
15 method, how long was it before you finally got an electronic  
16 version?

17 A I don't know.

18 Q Days, weeks, months; can you give me an estimate?

19 A Oh, probably months or so.

20 Q Earlier you talked about the interface; do you remember  
21 that?

22 A Right.

23 Q Was there any work that went on regarding the interface on  
24 this project specific to Fisher?

25 A Right. You had to -- you had to determine which pieces of

Eng - Direct

1989

1 information you wanted to send to the other system. So we  
2 wouldn't send the whole catalog over there.

3 Q So what sort of information was sent to the Fisher system  
4 that you worked on?

5 A I don't remember all the exact fields. I know part  
6 number. I don't know what else, whether it was name or  
7 description. I don't know.

8 Q Did the interface at the time also involve getting  
9 information from the RIMS system into the TV/2 system?

10 A Not maybe into the TV/2 system, but maybe checking -- I  
11 don't know if we got to the point of checking the inventory or  
12 not. I'm not sure.

13 Q Did you use the interface that you had described earlier  
14 that was -- I think you called it a generic interface to do  
15 this?

16 A Right, but you had to -- you had to put some input files  
17 to tell that generic interface what to do.

18 Q At the time -- when was this that you were doing this?  
19 What year?

20 A Oh, '93.

21 Q At the time, was that process of -- I'm sorry, I forgot  
22 the phrase you used there. Did you say input some files into  
23 the interface?

24 A Yeah. It was a specification to tell it what to send  
25 over.

Eng - Direct

1990

1 Q Was the interface that was already in existence before  
2 Fisher got there designed to receive that input as to tell it  
3 what to do?

4 A Right, yeah.

5 Q I think you said earlier that you actually spent some time  
6 doing the scanning yourself?

7 A Yes.

8 Q About how much of your time was spent doing the scanning  
9 for the Fisher project specifically?

10 A I don't know. Probably at least a couple weeks.

11 Q So you're standing at a scanner every day for that period  
12 of time or what?

13 A Oh, no. The scanning was the easy part actually. The  
14 checking it against the -- and tagging it was a harder part.

15 Q About how many pages of catalogs did you scan in and fix  
16 there according to that process?

17 A Personally myself?

18 Q Yes.

19 A 20 to 50 maybe.

20 Q Were there other people involved in doing that in addition  
21 to you?

22 A Yeah.

23 Q About how many people were involved at IBM?

24 A Through the whole process, or just through that very  
25 beginning process?

Eng - Direct

1991

1 Q Let's talk about the very beginning process.

2 A For the demo part, it was just to show we could do it,  
3 probably, maybe four or five people. We had a demo, really  
4 small one, then like a pilot, and then a comprehensive.

5 Q This is all for Fisher you are talking about now  
6 specifically?

7 A Yes.

8 Q When was the demo for Fisher done?

9 A '93.

10 Q What was the next one?

11 A Pilot.

12 Q When was that done?

13 A Late '93 or '94. I'm not sure. I can look in here and  
14 see.

15 Q Is there a document that would refresh your memory in  
16 there?

17 A I think there's -- I don't know if it's in there.

18 Q I'm not sure which one you are talking about, but you have  
19 some exhibits there you can scan if that would help.

20 A So it looks like I'm on --

21 Q Can you tell me what's on the tab to start with?

22 A PX-38.

23 Q PX-38?

24 A Yes.

25 Q I think that's previously admitted, so we can put that up.



Eng - Direct

1992

1 Did you get a chance to look at that Plaintiff's Exhibit 38,  
2 Ms. Eng, to see if that refreshed your recollection?

3 A Yeah. I was looking at the page that ends in 054. It's a  
4 project plan. You can see the very last line of that page  
5 says, build a pilot system, and that goes from --

6 Q Slow down a little bit, please. I think we're talking  
7 about, probably about page 19 of the document. Is the page up  
8 on the screen now, Ms. Eng?

9 A Yes.

10 Q Is the last entry on that page, that number 34 near the  
11 bottom, build pilot electronic sourcing program, ESP system, is  
12 that what you are talking about?

13 A Yes.

14 Q So we can blow that one up. It's going to be hard to read  
15 that, but can you tell by looking at the document when that  
16 pilot product was built for Fisher?

17 A You just took away the part, but it was, I think -- either  
18 February or March. If you blow it up. So July of '94.  
19 February 14th.

20 Q So this is in 1994, you said?

21 A Right. This document says February 8th as the date, so  
22 that was our plan. So this was the plan. I think it took  
23 longer than that.

24 Q Where does it say February 8th?

25 A On the first page of the document.

Eng - Direct

1993

1 Q Is that the prior page?

2 THE COURT: The very first page says February 8,  
3 1994. This is the plan.

4 THE WITNESS: The plan.

5 THE COURT: But the plan took longer than you --

6 THE WITNESS: I think it probably took longer than  
7 that July.

8 THE COURT: So when did it end up; do you know?

9 THE WITNESS: I left in early '95. I don't think we  
10 were finished --

11 THE COURT: Wasn't finished in '95. So going at  
12 least from February of '94 to '95 with the pilot?

13 THE WITNESS: Well, no, no. The plight might have  
14 been done sometime in the end of '94. Does this one have the  
15 comprehensive in here? Let me see.

16 THE COURT: If you look at the back.

17 THE WITNESS: This one says that the comprehensive  
18 should have been done like September of '94, but I think that  
19 it was not done -- I left the first week in January of '95.

20 THE COURT: And it wasn't finished then?

21 THE WITNESS: It was not finished.

22 THE COURT: Was the pilot finished by that time?

23 THE WITNESS: Yes, the pilot was finished.

24 THE COURT: When do you think the pilot was finished?

25 THE WITNESS: Sometime in the fall.

Eng - Direct

1994

1 THE COURT: What do you mean by the fall? When, to  
2 you, does fall start?

3 THE WITNESS: September.

4 THE COURT: Sometime between September and the end of  
5 the year.

6 THE WITNESS: Yes.

7 Q And the demo unit, when was that done?

8 A January '94.

9 Q What was being done during 1994 on this project? Can you  
10 tell me what sort of things were being done to take up that  
11 time?

12 A Getting all the data in, doing the interface between the  
13 two systems. We were always trying to do stuff better so it  
14 didn't take so long. It was a large amount of data.

15 Q You say large amount of data. Are you taking about the  
16 catalog pages now or something else?

17 A The catalog pages.

18 Q In the demo unit, did -- that had a database; right, the  
19 demo?

20 A Yeah. They all had the same thing. It was just different  
21 amounts of data.

22 Q Was that a relational database or some other sort of  
23 database?

24 A It was not a relational database.

25 Q What type of database was in the demo?

1 A It was a proprietary database. It was just a file.

2 Q Did the demo unit have any sort of indexing of the  
3 database?

4 A Yes.

5 Q Why was the indexing done? Why did you do indexing of  
6 that demo database?

7 A So we could search -- I mean, that was built in the TV/2  
8 so you could search.

9 Q So TV/2 already had indexing in it?

10 A Yes.

11 Q Did it have indexing in it in 1992?

12 A Yes.

13 Q How is the catalog information organized -- let's go to  
14 the demo unit for the integration with the Fisher RIMS system.  
15 How was the catalog information organized in that demo system?

16 A Like it was in a catalog.

17 Q Do you remember what that actually looked like? Can you  
18 describe for me what that looks like in terms of how it would  
19 appear on the screen?

20 A There would be a picture of like a -- I must have done a  
21 beaker section because I keep thinking of beakers, but a beaker  
22 and some writing about the beakers and then part number.

23 Q And in that demo unit, could a user search the parts  
24 listings?

25 A Yes.

1 Q Could it do a keyword search that was described in the  
2 that document we saw earlier?

3 A Right.

4 Q In the demo unit, could the system search for the selected  
5 topics like we saw in that description earlier?

6 A Right.

7 Q What type of topics were in that demo unit for the Fisher  
8 system?

9 A We picked three or four things from the catalog. Beakers  
10 must have been in there. I don't know what else. Flasks, I  
11 think.

12 Q Beakers and glasses?

13 A Flasks.

14 Q Finally, what do you do for a living today?

15 A I am -- I work with my mom in a real estate company, and I  
16 do the technology part of that.

17 Q How many years were you in the computer business?

18 A I left IBM in '95, and then I went to another company and  
19 worked for 11 years, Swift.

20 Q That was also doing computers?

21 A Right, so that's 22 years.

22 Q Are you being compensated for your time with respect to  
23 coming here today?

24 A For getting ready for this, reading?

25 Q For whatever hours you've spent on this.

Eng - Direct

1997

1 A Yes.

2 Q How many hours does that involve?

3 A Not -- I don't know. Maybe five or ten hours. I'm  
4 guessing. I don't know.

5 Q How much are you getting paid; do you know?

6 A \$200.

7 MR. McDONALD: No further questions.

8 THE COURT: We need to take a little recess here, I  
9 think. We'll take a 20-minute recess.

10

11 (Jury out.)

12

13 THE COURT: Okay, we'll take a 20-minute recess.

14

15 (Recess taken.)

16

17

18

19

20

21

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